

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GEORGE A. TOLIVER,

Plaintiff,

v.

TIMOTHY CARLMAN et al.,

Defendants.

2:17-cv-00679-JCM-VCF

ORDER

I. DISCUSSION

On March 9, 2017, this Court issued an order denying Plaintiff's application to proceed *in forma pauperis*, without prejudice, because Plaintiff's application had been incomplete. (ECF No. 3 at 1). Specifically, Plaintiff had not submitted a properly executed financial certificate. (*Id.*) In that order, the Court noted that Plaintiff was an experienced litigator in this Court and knew how to file a fully complete application to proceed *in forma pauperis*. (*Id.*) The Court stated that, if Plaintiff's next application to proceed *in forma pauperis* was incomplete, the Court would dismiss the case, without prejudice, for Plaintiff to file a new case when he was able to acquire the necessary documents to file a complete application to proceed *in forma pauperis*. (*Id.* at 1-2).

On March 20, 2017, Plaintiff filed a new application to proceed *in forma pauperis*. (ECF No. 4). This application is also incomplete. Although Plaintiff did submit a financial certificate with his new application, he did not submit a financial certificate on this Court's approved form. (See ECF No. 4 at 4). In light of Plaintiff's attempt to comply with this Court's prior order, the Court will grant Plaintiff one final opportunity to file a fully complete application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an

1 application to proceed *in forma pauperis* and attach both an inmate account statement for the
2 past six months and a properly executed financial certificate. Plaintiff has not submitted a
3 properly executed financial certificate on this Court's approved form.¹ (See ECF No. 4 at 4).
4 As such, the *in forma pauperis* application is denied without prejudice. The Court will retain
5 Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment
6 of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure the
7 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full
8 filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma*
9 *pauperis* he must file a fully complete application to proceed *in forma pauperis*. If Plaintiff files
10 another incomplete application to proceed *in forma pauperis*, the Court will dismiss the case
11 in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire the
12 necessary documents to file a complete application to proceed *in forma pauperis*.

13 II. CONCLUSION

14 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
15 *forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

16 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
17 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
18 entitled information and instructions for filing an *in forma pauperis* application.

19 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
20 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
21 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
22 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
23 administrative fee).

24 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
25 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a
26 new case when he is able to acquire the necessary documents to file a complete application

27
28 ¹ This Court's approved financial certificate is on page 4 of this Court's application to
proceed *in forma pauperis*.

1 to proceed *in forma pauperis*.

2 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
3 dismissal of this action may result.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
5 No. 1-1), but shall not file it at this time.

6
7 DATED: This 23rd day of March, 2017.

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United States Magistrate Judge